§ 1265. Wearing of helmets. 1. No person less than eighteen years of age shall ride a horse unless such person is wearing a helmet meeting or exceeding ASTM F1163 (Safety Equipment Institute certified) Equestrian Standard. For purposes of this section, "certified" shall mean that the helmet's manufacturer agrees to the rules and provisions of a system that includes independent testing and quality control audits, and that each helmet manufactured by such manufacturer is permanently marked with the certifying body's registered mark or logo before such helmet is sold or offered for sale. For the purposes of this section, wearing a helmet means having a helmet fastened securely upon the head using the manufacturer's fitting guidelines for the particular model used.

2. Any person who violates the provisions of this section shall pay a civil fine not to exceed two hundred fifty dollars. A police officer shall only issue a summons for a violation of this section by a person less than eighteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than eighteen years of age.

3. (a) The court shall waive any civil fine for which a person who violates the provisions of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet.

(b) The court may waive any civil fine for which a person who violates the provisions of the section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet.

4. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.